

REMARKS

Applicants respectfully requests further examination and reconsideration in view of the above amendments. Claims 1-20 remain pending in the case. Claims 1-20 are rejected. Claims 10 and 14 are amended herein. No new matter has been added.

Claim Objections – Claim 10

Claim 10 is objected to as repeating the term “products” twice. Claim 10 is amended herein correcting this informality.

35 U.S.C. §112, second paragraph – Claim 14

Claim 14 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, Examiner indicated that the limitation “the scenario properties” has insufficient antecedent basis. Applicants respectfully submit that Claim 14 is amended herein, correcting the insufficient antecedent basis. Support for the amendments made to Claim 14 may be found in the present specification at lines 1-8 of page 23, et al. Therefore, Applicants respectfully assert that Claim 14 overcomes the rejection under 35 U.S.C. §112, second paragraph.

35 U.S.C. §103(a) – Claims 1-20

Claims 1-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over United States Patent Application Publication 2002/0169658 by Adler, hereinafter referred to as the “Adler” reference, in view of United States Patent 6,622,056 by Lindell, hereinafter referred to as the “Lindell” reference. Applicants have reviewed the cited references and respectfully submit that the embodiments of the present invention as recited in Claims 1-20 are not unpatentable over Adler in view of Lindell for the following rationale.

Applicants respectfully assert that the rejection under 35 U.S.C. §103(a) is improper as Adler does not qualify as prior art. Under 35 U.S.C. §103, prior art includes references with effective dates before the effective filing date of the invention. Applicants respectfully assert that the Adler reference does not qualify as prior art because the filing date of the present application, October 18, 2001, predates the effective date of the Adler reference. Specifically, the present application has a filing date of October 18, 2001, predating the March 6, 2002, filing date of the Adler reference.

Applicants respectfully note that the Adler reference claims priority to Provisional Patent Application No. 60/274,328, filed on March 8, 2001. However, there is no evidence that the subject matter upon which the Examiner has based the rejection under 35 U.S.C. §103(a) is included in the Provisional Application. Without reviewing the Provisional Application, Applicants are unable

to confirm that the subject matter upon which the Examiner has based the present rejection is included in the Provisional Application.

Applicants respectfully request that the Examiner provides Applicants with a copy of Provisional Application 60/274,328 to verify that the subject matter upon which the Examiner relies on for making the present rejection qualifies as prior art. In the absence of providing Applicants with a copy of Provisional Application 60/274,328, Applicants respectfully request that Examiner withdraw the present rejection under 35 U.S.C. §103(a) that Claims 1-20 are unpatentable under Adler in view of Lindell, as Adler does not qualify as prior art.

Moreover, Applicants respectfully assert that the claimed embodiments are not unpatentable over Lindell alone. Specifically, Lindell alone does not teach, describe or suggest the claimed embodiments as recited in Claims 1, 8 and 15. Applicants respectfully assert that Lindell does not teach, describe or suggest the claimed embodiments as recited in Claims 1, 8 and 15, and that these claims are allowable over Lindell.

As described above, Applicants respectfully assert that the Adler reference does not qualify as prior art because the effective filing date of the present application predates the effective date of the Adler reference. Moreover, Applicants respectfully assert that the claimed embodiments are patentable over the Lindell. Specifically, Lindell does not teach, describe or suggest the claimed

embodiments as recited in Claims 1, 8 and 15, and that these claims are allowable. Therefore, Applicants respectfully submit that Claims 2-7, 9-14 and 16-20 overcome the rejection under 35 U.S.C. § 103(a) as these claims are dependent on allowable base claims.

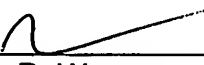
CONCLUSION

In light of the above remarks, Applicants respectfully request reconsideration of the rejected claims. Based on the arguments presented above, Applicants respectfully assert that Claims 1-20 overcome the rejections of record and, therefore, Applicants respectfully solicit allowance of these Claims. The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

WAGNER, MURABITO & HAO L.L.P.

Dated: 1/24, 2006



John P. Wagner
Registration No. 35,398

Two North Market Street
Third Floor
San Jose, CA 95113
(408) 938-9060